

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

LISA LEE TUTTLE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 24-cv-04052-MDH
)	
MARTIN O'MALLEY,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Before the Court is Defendant's Motion to Reverse and Remand with Suggestions In Support. (Doc. 10). Defendant requests that the Court reverse the decision of the ALJ and remand this action to Defendant pursuant to sentence four of section 205(g), 42 U.S.C. § 405(g).

Defendant states upon remand the Appeals Council will instruct the ALJ to re-evaluate the medical opinion evidence consistent with 20 C.F.R. § 404.1520c and Social Security Ruling ("SSR") 96-8p, take further action needed to complete the administrative record, offer the claimant an opportunity for a new hearing, and issue a new decision. The motion contends that remand would expedite administrative review, ensure that the Commissioner properly considers Plaintiff's claim, and could make judicial review unnecessary.

Sentence four of 42 U.S.C. § 405(g) states: "The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause for a rehearing." The Eighth Circuit has suggested remand orders "that do not expressly affirm, modify, or reverse a decision of the Commissioner but rather direct him to cure some specific defect in the administrative proceeding, such as the ALJ's failure to develop the record or to properly evaluate the evidence" are remands

pursuant to sentence four of 42 U.S.C. § 405(g). *Buckner v. Apfel*, 213 F.3d 1006, 1011 (8th Cir. 2000).

Defendant moves the Court to enter a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure reversing the decision of the ALJ and remanding this case to the Commissioner under sentence four of 42 U.S.C. § 405(g).

After reviewing the record before the Court, the Court hereby **GRANTS** Defendant's Motion to Reverse and Remand. The decision of the ALJ is **HEREBY REVERSED** and that the case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. §405(g).

IT IS SO ORDERED.

Dated: September 26, 2024

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE